

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ETHICON PHYSIOMESH	:	MDL DOCKET NO. 2782
FLEXIBLE COMPOSITE	:	1:17-MD-02782-RWS
HERNIA MESH PRODUCTS	:	
LIABILITY LITIGATION	:	
	:	
This document relates to:	:	Civil Action No.:
	:	
<u>Sandy Sipes,</u>	:	
Plaintiff	:	
	:	
v.	:	
Ethicon, Inc. and Johnson & Johnson,	:	
Defendants.	:	

SHORT FORM COMPLAINT

Comes now the Plaintiff named below, and for her Complaint against the Defendants named below, incorporates the Master Complaint in MDL No. 2782 by reference. Plaintiff further shows the court as follows:

1. Plaintiff Implanted with Physiomesh
Sandy Sipes
2. Plaintiffs Spouse (if applicable)
Not Applicable
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)
Not Applicable
4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint
Arkansas
5. State of Residence and Citizenship at the Time of Implantation
Arkansas

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

United States District Court of the Eastern District of Arkansas

7. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Ethicon, Inc.
☒ B. Johnson & Johnson

8. Basis of Jurisdiction

- ☒ Diversity of Citizenship (28 U.S.C. § 1332(a))
☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1-13

B. Other allegations of jurisdiction and venue:

Pursuant to this Court's order (Practice and Procedure Order Nos. 2 and 3),
Plaintiff has authority to directly file into this Court.

- 9.

Date(s) Plaintiff was Implanted with Physiomesb (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesb (include City and State of Hospital)	Implanting Surgeon
On or about 11/20/2014 LOT# HG8DLXB0 CAT# PHY1520R	St. Bernard's Medical Center, Jonesboro, AR	Horace L. Wiggins, MD

10. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I - Strict Product Liability - Defective Design
☒ Count II - Strict Product Liability - Failure to Warn
☒ Count III - Strict Product Liability - Manufacturing Defect
☒ Count IV - Negligence

- ☒ Count V - Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)
ARK CODE ANN§ 4-88-101 et seq
- ☒ Count VI - Gross Negligence
- ☐ Count VII - Loss of Consortium
- ☒ Count VIII - Punitive Damages
- ☒ Count IX - Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

Despite diligent investigation by Plaintiff into the cause of her injuries, including consultations with her medical providers, the nature of her injuries and damages, and their relationship to the hernia mesh product(s) was not discovered, and through reasonable care and diligence could not have been discovered until a date within the applicable statute of limitations for filing Plaintiff's claims. Therefore, under appropriate application of the discovery rule, Plaintiff's suit was filed well within the applicable statutory limitations period.

- ☐ Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

-
- ☒ Jury Trial is Demanded as to All Counts
 - ☐ Jury Trial is NOT Demanded as to Any Count

/s/Andrea J. Giovannone

Attorney for Plaintiff

Andrea J. Giovannone

USDC for District of California Bar No. 287358

andrea@drlawllp.com

John A. Dalimonte

USDC for District of Columbia Bar No. 1007797

john@drlawllp.com

Gregory D. Rueb

USDC for District of Columbia Bar No. 1033707

greg@drlawllp.com

DALIMONTE RUEB STOLLER, LLP

515 S. Figueroa Street, Suite 1550

Los Angeles, CA 90071

Phone: 833-443-7529

Fax: 855-203-2035